

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

# ROBERT “BOB” ROSS AND EUGENIO VARGAS

**Plaintiffs/Counterclaim Defendants,**

V.

ASSOCIATION OF PROFESSIONAL  
FLIGHT ATTENDANTS, *et al.*,

**Defendants/Counterclaim Plaintiffs.**



Civil Action No. 4:22-cv-343-Y

Consolidated with  
Civil Action No. 4:22-cv-430-Y

**Judge Terry R. Means**

**APPENDIX FOR MOTION AND BRIEF IN SUPPORT FOR MANDATORY WITHDRAWAL OF COUNSEL  
AND EXTEND PLAINTIFFS' DEADLINE TO FILE AMENDED RESPONSE**

Plaintiffs Robert “Bob” Ross and Eugenio Vargas, pursuant to Local Rules 7.1(i) 7.2, 53.1(d) and § C of this Court’s Case Management Requirements, submits this appendix of supporting documents in support of “MOTION AND BRIEF IN SUPPORT FOR WITHDRAWAL OF COUNSEL AND EXTEND PLAINTIFFS’ DEADLINE TO FILE AMENDED RESPONSE:”

<b><u>Item</u></b>	<b><u>Description</u></b>	<b><u>Pgs.</u></b>
1	Declaration of Kerri Phillips....	1-3

Respectfully submitted,  
K.D. PHILLIPS LAW FIRM, PLLC

By: /s/ Kerri Phillips  
Kerri Phillips

Texas Bar No. 24065906  
Phone: (972) 327-5800  
Email: [kerri@KDphillipslaw.com](mailto:kerri@KDphillipslaw.com)

6010 W. Spring Creek Parkway  
Plano, Texas 75024  
Fax: (940) 400-0089  
For Service of Filings:  
[notice@KDphillipslaw.com](mailto:notice@KDphillipslaw.com)

**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that the true and correct copy of this document was sent to all counsel of record, hereunder listed via ECF Filing. A copy of this motion was also sent to the Plaintiffs to his or her last known address via First Class and Certified U.S. mail on September 17, 2024.

/s/ Kerri Phillips  
Kerri Phillips, Esq.

Jeffrey Bartos  
Guerrieri, Bartos, & Roma, P.C.  
1900 M Street, NW, Suite 700  
Washington, DC 20036  
Tel: (202) 624-7400; Fax: (202) 624-7420  
Email: [jbartos@geclaw.com](mailto:jbartos@geclaw.com)

Charlette Matts  
In-House Counsel for APFA  
1004 West Euless Blvd  
Euless, TX 76040  
Tel: (682) 301-8454  
[Cmatts@apfa.org](mailto:Cmatts@apfa.org)

James Sanford  
4803 Gaston Avenue  
Dallas, TX 75249-1020  
Tel: (214) 800-5111; Fax: (214) 838-0001  
Email [jim@gillespiesanford.com](mailto:jim@gillespiesanford.com)

Email: [joe@gillespiesanford.com](mailto:joe@gillespiesanford.com)

Michael Rake  
PO Box 1556  
Lake Dallas, TX 75065-1556  
Tel: (940) 498-2103 Fax: (940) 498-2103  
Email: [mrake1@mrakeattorney.com](mailto:mrake1@mrakeattorney.com)

Robert (Bob) Ross, Plaintiff  
4701 Hayloft Ct.  
El Dorado Hills, California 95762  
Tel: (916) 284-2402  
Email address: [1ross@comcast.net](mailto:1ross@comcast.net)

Eugenio Vargas, Plaintiff  
1616 Brookhaven Circle  
Bedford, Texas 76022  
Tel: (401) 952-7126  
Email address: [medellin3@hotmail.com](mailto:medellin3@hotmail.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FT. WORTH DIVISION

**ROBERT “BOB” ROSS AND  
EUGENIO VARGAS  
Plaintiff/Counterclaim Defendant**

V.

**ASSOCIATION OF  
PROFESSIONAL FLIGHT  
ATTENDANTS, MCGAUGHEY,  
REBER AND ASSOCIATES,  
INC., JULIE HEDRICK, ERIK  
HARRIS  
Defendants/Counterclaim Plaintiff.**

Case No. 4:22-CV-00343-Y

Consolidated with  
Case No. 4-22-CV-00430-Y

**Judge: Terry R. Means**

## DECLARATION OF KERRI PHILLIPS

[illegible]

Before me, the undersigned notary, on this day, personally appeared KERRI PHILLIPS, a person whose identity is known to me. After I administered an oath to her, upon her other, she said:

1. “I, Kerri Phillips, declare that I am over 18 years of age and reside in the State of Texas. I have never been convicted of any felony or other crime involving moral turpitude. I am fully competent to make this affidavit.
2. I have personal knowledge of the facts set forth in this affidavit and the facts are true and correct.
3. I am counsel of record for Plaintiff, Robert “Bob” Ross and Plaintiff, Eugenio Vargas in the above-entitled action.

4. In August of 2024, through multiple conversations with Mr. Ross, I learned of facts and arguments that were previously not disclosed to me that create a conflict with the continued interest in Plaintiffs' legal representation. These arguments raised concerns regarding the advocacy of legal representation for both Plaintiffs before this court.

5. Upon learning of the facts that gave rise to a conflict of interest, I contacted the State Bar of Texas Ethics Counsel to seek out my ethical duties regarding a conflict of interest. After speaking to Ethics Counsel with the State Bar of Texas, I was advised that the Texas Rules of Professional Conduct Rule 1.15(a)(1) requires mandatory withdraw as counsel of record due to possible violations of a conflict of interest, therefore I could no longer continue representation of either party to the case. I was further advised not to disclose any facts that would injure or harm the clients. Additionally, Ethics Counsel stated that I am required to withdraw from the case immediately.


6. Upon advising clients that counsel's withdrawal is mandatory, communications with clients has deteriorated to a point that makes further representation an impossibility. Clients informed me that they oppose my withdrawal despite the fact that withdrawal as counsel is mandatory as required by Tex. R. Disc. Prof'l Cond. 1.15(a)(1).

7. I emailed a copy of the Motion, this Affidavit and the Proposed order to both Plaintiffs prior to filing the Motion. Attached hereto and marked as Exhibit A is a true and correct copy of an email I sent to Mr. Ross and Mr. Vargas.

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

**EXECUTED** on this 16th of September 2024.

  
\_\_\_\_\_  
Kerri Phillips

**From:** [Kerri Phillips](#)  
**To:** [1ross@comcast.net](mailto:1ross@comcast.net); Eugenio Vargas  
**Subject:** Motion to Withdraw  
**Date:** Friday, September 13, 2024 7:40:00 PM  
**Attachments:** [image001.png](#)  
[Attorney Aff Mtn to Withdraw.pdf](#)  
[Ross-Vargas .Order Granting Withdrawal of Counsel.pdf](#)  
[Ross-Vargas Motion for Withdrawal of Counsel.pdf](#)

---

Please see attached motion to withdraw, supporting affidavit and proposed order for withdrawal.



**Kerri Phillips**  
KD Phillips Law Firm, PLLC  
**Phone:** 972-327-5800 ext. 1001  
**Fax:** 940-400-0089  
**Email:** [Kerri@KDphillipslaw.com](mailto:Kerri@KDphillipslaw.com)  
6010 W. Spring Creek Parkway  
Plano, TX 75024  
[www.KDphillipslaw.com](http://www.KDphillipslaw.com)

**IMPORTANT/CONFIDENTIAL:**

IMPORTANT \ CONFIDENTIAL: This message contains information from the law firm of KD Phillips Law Firm, PLLC that may be subject to the attorney-client privilege or work product doctrine, or may be otherwise confidential and exempt from disclosure under applicable law. Unless expressly stated otherwise, nothing contained in this message should be construed as a digital or electronic signature, nor is this message intended to reflect an intention to make an agreement by electronic means. DO NOT COPY OR FORWARD TO UNAUTHORIZED PERSONS. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or forwarding of this communication is strictly prohibited. Unauthorized interception of this message may be in violation of the Electronic Communications Privacy Act, 18 U.S.C. § 2510, et seq. If you have received this communication in error, please notify us immediately at our telephone number: (972) 327-5800

IRS Circular 230 Notice: Unless expressly stated otherwise in the foregoing message, and to ensure compliance with requirements imposed by the IRS, we inform you that any advice contained in this message (including any attachments) is not intended or written to be used, and may not be used by any person, for the purpose of (i) avoiding penalties imposed under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another person any transaction or matter addressed herein, within the meaning of IRS Circular 230.

Exhibit A